

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALISE MALIKYAR, *et al.*,

No. C 07-03533 WHA

Plaintiffs,

v.

**ORDER RE WITNESS
ANGEL AVERY**

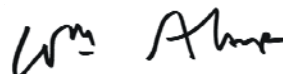
JOHN SRAMEK, *et al.*,

Defendants.

Plaintiff's attorney just telephoned one of the clerk's office personnel and stated that Angel Avery is unavailable to testify at trial due to pregnancy. He stated that both sides were unable to agree on whether her deposition could be used instead. It is now approximately noon on the Friday before trial begins on Monday. The issue of the extent to which the deposition may be read in lieu of a live witness will be determined according to the rules of evidence, and this will be addressed at 7:30 a.m. on Monday, when the trial begins. Counsel must consider whether a subpoena was served upon the witness and whether medical proof of unavailability must be shown.

IT IS SO ORDERED.

Dated: June 12, 2009



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE